

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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222 D. B. BROWN

EP-18-CV-373-DB

**ABDINOOR FARAH ADEN,
Petitioner,**

V.

KIRSTJEN NIELSEN, in her official capacity as Secretary of Homeland Security, MATTHEW G. WHITAKER, in his official capacity as Acting Attorney General of the United States, and DIANE WHITTE, in her official capacity as El Paso Field Office Director of Detention for U.S. Immigration and Customs Enforcement, Respondents.

ORDER

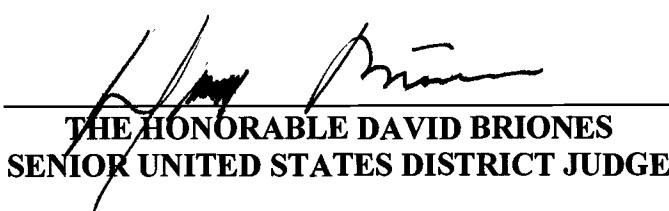
On this day, the Court considered Petitioner Abdinoor Farah Aden’s (“Mr. Aden”) “Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C § 2241” (“Petition”), filed in the above-captioned case on December 7, 2018. Therein, Mr. Aden asks the Court to issue an order declaring his detention unauthorized by the Immigration and Nationality Act of 1952, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment. Specifically, he argues that his continued detention violates 8 U.S.C. § 2312(a)(6), which requires that “if the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision . . .” 8 U.S.C. §2312(a)(6). As mandated in *Zadvydas v. Davis*, federal immigration officials may not detain a person indefinitely. 533 U.S. 678, 678 (2001). Petitioner was denied asylum by an Immigration Judge on March 8, 2018. His order of removal became final thirty days after this date. The six-month presumptively reasonable period for removal efforts has expired.

Mr. Aden further asks the Court to issue an order releasing him immediately from the custody of the Department of Homeland Security and U.S. Immigration and Customs Enforcement. After due consideration, the Court is of the opinion that the following orders should enter.

IT IS HEREBY ORDERED that the District Clerk **SERVE** Petitioner Abdinoor Farah Aden's "Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C § 2241" on Respondents Secretary of Homeland Security Kirstjen Nielsen, Acting Attorney General Matthew G. Whitaker, and El Paso Field Office Director of Detention for U.S. Immigration and Customs Enforcement Diane Witte through the United States Attorney for the Western District of Texas and the Attorney General of the United States, along with this Order.

IT IS FURTHER ORDERED that on or before December 27, 2018, Respondents **SHOW CAUSE** why the relief Petitioner Abdinoor Farah Aden seeks in his Petition should not be granted and make a return certifying the true cause of the detention in compliance with 28 U.S.C. § 2243.

SIGNED this 19th day of December 2018.


THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE